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REMARKS

Claims 2-6, 8, 9, 11, 13, 14, and 16-27 are now pending in this application. Claims 2, 3, 5-8, 10-13, and 15 are rejected. Claims 7, 10, 12, and 15 are cancelled herein. Claim 1 is previously cancelled. New claims 16-27 are added. Claims 2, 3-6, 8, 11, and 13 are amended herein to clarify the invention. New claims 16-27 are added. Support for the amendment of claims and for the addition of new claims can be found, for example, in Figures 40-42 of the specification of the current application. The specification has been amended to correct a typographical error.

Claims 2, 3, 5-8, 10-13 and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cancellation of claims 10, 12, and 15 makes their rejection moot.

The Office Action states that there is no antecedent basis for "said outer end." The claims do not recite "said outer end" and Applicant believes that the Office Action's reference to "said outer end" is actually a reference to "said second end." Appropriate antecedent basis has been provided for "said second end." The Office Action states that there is no antecedent basis for "said fitting part." Appropriate correction has been made and "said fitting part" has been replaced with "said attachment part." The Office Action states that it is unclear

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what limitation is intended by "fitting part." As stated above, "fitting part" was replaced with "attachment part." The Office Action states that it is unclear what limitations are intended by engagement means and by fitting piece. The engagement means are a more general way to describe the function of the fitting pieces. Both engagement means and fitting pieces read on the elected species. Appropriate correction has been made to clarify this distinction. All of the indefiniteness issues identified by the Office Action have been addressed and Applicant therefore respectfully requests that the rejection of claims 2, 3, 5-8, 11, and 13 under 35 U.S.C. § 112, second paragraph, as indefinite be withdrawn. The Office Action also states that claim 4 refers to a "support piece" which refers to the same feature as the fitting piece. However, the "support piece" in claim 4 is represented by object 18 in Figure 9 and is different than the fitting piece.

Claims 11, 12, and 13 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,655,936 (Meredith). The cancellation of claim 12 makes its rejection moot.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See *Verdegaal Brothers Inc. v. Union Oil Company of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. Claim 11 now recites a plurality of fitting pieces disposed at a terminal end of the attachment part and

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Meredith fails to disclose this limitation, as admitted on page 4 of the Office Action. Accordingly, claim 11 is patentable over Meredith and notice to that effect is respectfully requested. Claim 13 is patentable at least for the reason that it depends from a patentable base claim. See *In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974).

Claims 2, 3, and 5-8 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,655,936 (Meredith) in view of U.S. Patent No. 5,340,252 (Weddendorf). The cancellation of claim 7 makes its rejection moot.

To establish a *prima facie* case of obviousness, it is necessary to show that all the claim limitations are taught or suggested by the prior art. See *In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974); MPEP § 2143.03. Claims 2 and 6 now recite a plurality of fitting pieces disposed at a terminal end of the attachment part and the combination of Meredith and Weddendorf fails to disclose or suggest this limitation, as admitted on page 4 of the Office Action. Accordingly, claims 2 and 6 are patentable over the combination of Meredith and Weddendorf and notice to that effect is respectfully requested. Claims 3, 5, and 8 are patentable at least for the reason that they depend from a patentable base claim. See *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); MPEP § 2143.03.

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Claims 10 and 15 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Meredith or Meredith in view of Weddendorf as applied to claims 6 and 11 and further in view of U.S. Patent No. 4,986,712 (Fultz). The cancellation of claims 10 and 15 makes their rejection moot.

Claims 2, 6, and 11 include the limitation of a plurality of fitting pieces disposed at a terminal end of the attachment part. To establish *prima facie* case of obviousness, it is necessary to show that all the claim limitations are taught or suggested by the prior art. See *In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974); MPEP § 2143.03. The Office Action admits on page 4 that Meredith, alone or in combination with Weddendorf does not disclose a plurality of fitting pieces. The Office Action relies on Fultz for this teaching.

The Office Action states that it would be obvious to modify Meredith to have a plurality of objects 30 from Fultz. However, the attachment mechanism in Meredith is a sleeve that is part of the nut while, in contrast, object 30 from Fultz is a projecting portion that is not part of the nut in Fultz. The Abstract of Fultz discloses that a flanged nut is received by a cup washer and Figures 1 and 2 make it clear that object 30 is part of the cup washer and not part of the nut. There would be no reason for one of skill in the art to modify the nut in Meredith with the object 30 from the washer in Fultz and the Office Action has provided no reason for such modification. The Federal Circuit has stated that "[o]ne cannot use hindsight

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reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

Furthermore, object 30 in Fultz is an “inwardly projecting portion,” as disclosed in column 2 of Fultz. The sleeve in Meredith is to be: “deformed radially outward,” as disclosed in column 2 of Meredith. Since the engagement mechanism in Meredith requires that it be deformed outward once applied, an inwardly projecting portion would be more difficult to be deformed radially outward than the sleeve of Meredith. Thus, if anything, the disclosures of Meredith and Fultz would teach away from modifying Meredith with the inwardly projecting portions of Fultz.

In Meredith, the sleeve continuously extends a full 360 degrees without any break. In contrast, the inwardly projecting portions of Fultz are merely portions of small stakes which, as shown in Figure 3 of Fultz, are small projecting prongs that serve to tack together the nut and the cup washer. There is no motivation to modify the sleeve of Meredith to add these small projecting prongs because the small projecting prongs are small, cover little area, and would be much weaker than the sleeve in Fultz, further demonstrating that modifying Meredith with the small projecting prongs of Fultz would be undesirable and that the disclosures in the references would teach away from such combination. The Federal Circuit has stated that generally, a reference that teaches away cannot serve to create a *prima facie*

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case of obviousness. *See In re Gurley*, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994); *see also* MPEP § 2145. The disclosures of Meredith and Fultz teach away from modifying Meredith with the inwardly projecting portions of Fultz and, accordingly, *prima facie* obviousness has not been met.

The Office Action states that it would be an obvious matter of design choice to modify the sleeve in Meredith with the small projecting prongs of Fultz. As explained above, such a combination is undesirable. Furthermore, it is not a matter of design choice to have a plurality of fitting pieces as claimed in the current application because having a plurality of fitting pieces has structural characteristics which perform a substantial function. By having a plurality of fitting pieces instead of just one, the fitting pieces are less rigid during application of the nut and, therefore, it is easier to apply the attachment part through a hole and it is also easier to bend the fitting pieces to ensure attachment of the nut to an engagement piece. Bending a fitting piece that extends 360 degrees to attach an object is more difficult than bending a plurality of fitting pieces to attach such object. Thus, the plurality of fitting pieces inherently performs a substantial function that is not disclosed or suggested by or inherent in the cited art and, accordingly, claims 2, 6, and 11 are patentable and notice to that effect is respectfully requested. Claims 3, 4, 5, 8, 9, 13 and 14 are patentable at least for

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the reason that they depend from a patentable base claim. *See In re Fite*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); MPEP § 2143.03.

New claims 16-27 have been added and are patentable at least for the reason that they depend from a patentable base claim. Furthermore, the combination of Meredith, Weddendorf, and Fultz ("the cited art") fails to disclose or suggest the fitting pieces comprising arcuate members since the inwardly projecting portions of Fultz are mere parts of stakes and are not arcuate members as recited in claims 16-27. Furthermore, the cited art fails to disclose or suggest spaces between arcuate members having a width smaller than the arcuate length of the arcuate members, as recited in claims 17, 21, and 25. The cited art also fails to disclose or suggest the limitation of having four arcuate members, as recited in claims 18, 19, 22, 23, 26 and 27. Furthermore, the cited art fails to disclose or suggest the arc formed by each of the arcuate segments to be approximately 90 degrees, as recited in claims 19, 23, and 27. The configuration claimed in the current application allows for easier installation while maintaining strength of attachment of the nut to an attachment member. Having a plurality of fitting pieces makes the installation easier, as explained above. By having arcuate members, a larger radial portion is utilized to increase the attachment strength between an attachment member and the nut. Accordingly, claims 16-27 are patentable over the cited art and notice to that effect is respectfully requested.

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Applicant respectfully requests that the Examiner acknowledge receipt of the priority document which was filed in the parent of this application (U.S. App. No. 09/898,820).

Applicant respectfully requests that the Examiner mark the drawings as accepted or objected since no box was checked in the Office Action.

Two claim(s) in excess of twenty are added. The fee of \$50 for the claim(s) is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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